



MDE Recommends

SCHOOLS OF CHOICE

The sections of the *State School Aid Act* that address this issue are contained in the Michigan Compiled Laws under MCL 380.1401, 388.1606, 388.1705 and 388.1705c, 388.1707.

Each local school board has the authority to offer a student the option of enrolling in the school building of his/her choice. A local school board may establish district policies for intra-district choice relative to the placement of its own students within select buildings in the district. In addition, a local school board may provide choice enrollment options to students from other school districts. Under current law, a local school board may participate in the following: (1) the state school of choice program under sections 105 or 105c of the *State School Aid Act* [MCL 388.1705 and 388.1705c]; (2) a cooperative choice agreement; or (3) local school district choice. In addition, choice options may be available for a student that is a victim of criminal sexual assault or other serious assault and a student who has been suspended or expelled to attend a nonresident alternative education program. A school district may elect not to participate in any of the schools of choice programs. For additional information on choice enrollment options, please contact Dr. Arthur Vrettas, Office of Education Options, Charters, and Choices, at (517) 241-2732 or vrettasa@michigan.gov.

Intra-District Choice

Intra-district choice provides a parent with the ability to enroll a student in any school building in their school district. A district may, also, establish a local policy relative to the placement of students within select buildings in the district. The district may, but is not required, to provide transportation for a student who chooses to attend a different school building. Michigan law does not require a public school to provide intra-district choice.

State Schools of Choice Program

The *State School Aid Act* provides each local school board with the option to participate in the state schools of choice program under sections 105 and 105c [MCL 388.1705 and 388.1705c]. The decision to participate in the program is voluntary. Section 105 allows a student to transfer to another school district within the same intermediate school district. Section 105c allows a student to transfer to a school district that is within another contiguous intermediate school district. A receiving district that participates in the Section 105 and/or 105c state schools of choice program is not required to obtain a release from the resident district in order to generate state aid for the student. For additional information, please contact Dr. Arthur Vrettas, Office of Education Options, Charters, and Choices, at (517) 241-2732 or vrettasa@michigan.gov.

Cooperative Choice Agreement

A number of school districts may establish educational programs that permit the enrollment of a nonresident student. The agreement may be between districts in different intermediate school districts or counties. A receiving district must have a release from the resident district to count a nonresident student in membership in order to receive the foundation allowance for that student [MCL 388.1606(4)(b)]. The resident school district may approve or deny the request



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for the release. A cooperative choice agreement may limit the number of students participating in the program.

Local School District Choice

The board of a local school district may enroll a nonresident student on an individual case-by-case basis. A nonresident district must have a release from the resident district to count a nonresident student in membership in order to receive the foundation allowance for that student [MCL 388.1606(4)(b)]. The resident school district may approve or deny the request for the release.

Tuition Students

The board of a school district may enroll a nonresident student. The board shall determine and collect the tuition from the nonresident student [MCL 380.1401].

Assault Victim

Ensuring a safe environment for all students is a critical priority for educators today. In 1999, the *State School Aid Act* was amended to allow a nonresident student to be counted in membership if the student was a victim of criminal sexual assault or other serious assault at school or an assault committed by a student or an employee of the resident district [MCL 388.1606(6)(g)]. A release from district of residence is not required when an official written complaint of a serious assault is made to law enforcement and the student's resident district. A "serious assault" is defined as an act that constitutes a felony violation or that constitutes an assault and infliction of serious or aggravated injury under the *Michigan Penal Code* [MCL 750.81 – 750.90g]. A person that intentionally makes a false report to law enforcement officials is subject to penalties under the *Michigan Penal Code* [MCL 750.411a].

Alternative Education

A student who has been suspended or expelled from his or her resident district for any reason may attend a nonresident alternative education program without the resident district's approval [MCL 388.1606(6)(j)]. In addition, a student who previously dropped out of school, is pregnant or is a parent, or has been referred to the program by the court may attend a nonresident alternative education program without the resident district's approval.

Adult Education

If there is no available alternative education program through his or her resident district, an expelled student may enroll in an adult education program [MCL 388.1707(2)(b)(ii)]. The expelled student must be at least 16 years of age on September 1 of the school year. The reason of expulsion must be due to weapons, arson, criminal sexual assault or physical assault against an employee or a volunteer of the district.

This information is provided as a service of the Michigan Department of Education and is distributed with the understanding that the Department of Education is not engaged in rendering legal advice. Those individuals desiring or requiring legal advice should seek the services of an attorney.